

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SHANE COOK, KARLA CARO,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:21-cv-00930-RK
)	
FAMILY MOTORS, LLC, DERRICK)	
RICHARDSON, ANTONIO HARBIN,)	
BRENDA YOAKUM-KRIZ,)	
)	
Defendants.)	

ORDER TO SHOW CAUSE

This is a diversity jurisdiction action brought in federal court to recover damages for violations of Kansas Consumer Protection Act, K.S.A. § 50-623 *et seq.*. Plaintiffs filed this action on December 24, 2021. (Doc. 1.) Defendant Brenda Yoakum-Kriz filed a return of waiver of service on January 13, 2022. (Doc. 4.) Summonses were issued as to Defendants Family Motors, LLC, Derrick Richardson, and Antonio Harbin were issued on February 8, 2022. Plaintiffs filed a return of service as to Defendant Family Motors, LLC on April 8, 2022, stating Defendant Family Motors was served on March 28, 2022. (Doc. 30.) On April 20, 2022, Plaintiffs filed a motion for Clerk’s Entry of Default as to Defendant Family Motors, LLC. (Doc. 34.) A Clerk’s Entry of Default as to Defendant Family Motors, LLC was accordingly entered on May 10, 2022. (Doc. 41.)

Pursuant to the Federal Rules of Civil Procedure, “if a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Accordingly, Plaintiff was required to serve Defendants Derrick Richardson and Antonio Harbin by March 24, 2022. To date, no proof of service has been filed as to Defendants Richardson or Harbin.

Therefore, because the time to complete service of process pursuant to Rule 4(m) as to Defendants Richardson and Harbin has passed, Plaintiffs are **ORDERED** to show cause why their claims against Defendants Richardson and Harbin should not be dismissed for failure to timely provide proof of service. Plaintiffs’ show cause response is due on or before **May 20, 2022**.

Failure to show cause may result in dismissal of Plaintiffs' claims against Defendants Richardson and Harbin without further notice.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: May 13, 2022